

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**PAMELA JOYCE NICHOLS, KEVIN  
JAMES KOHUTE,**

**Plaintiffs,**

**v.**

**CLEO WELCH,**

**Defendant.**

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**CIVIL ACTION NO. 6:18-CV-00512-JDK**

**ORDER ADOPTING REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On October 2, 2018, the Magistrate Judge issued a Report and Recommendation (Docket No. 5), recommending that Plaintiffs' complaint be dismissed with prejudice for failure to state a basis for jurisdiction or allege a claim upon which relief can be granted. On October 5, 2018 Plaintiffs received a copy of the Magistrate Judge's Report and Recommendation. Docket Nos. 6, 7. The Report and Recommendation informed Plaintiffs of their rights to object to the Report and Recommendation within 14 days, and further informed them that a failure to timely object shall bar "*de novo* review by the district judge of those findings, conclusions and recommendations and, except on grounds of plain error, from appellate review of unobjected-to factual findings and legal conclusions accepted and adopted by the district court." Docket No. 5 at 2 (citing *Douglass v. United States Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996)). Since the service of the Report and Recommendation on

October 5, 2018, Plaintiffs have not filed objections and the prescribed time period for doing so has passed.

Having reviewed the findings and conclusions of the Magistrate Judge, the Court agrees with the Magistrate Judge. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the complaint is hereby **DISMISSED WITH PREJUDICE**.

**Signed this**

**Dec 14, 2018**

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE